

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

WAYNE MASSEY,

Petitioner,

v.

CIVIL ACTION NO. 5:21-cv-00032

WARDEN DAVID L. YOUNG,

Respondent.

ORDER

Pending is Petitioner Wayne Massey’s Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241 [Doc. 1], filed January 14, 2021. This action was previously referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission of proposed findings and a recommendation (“PF&R”). Magistrate Judge Aboulhosn filed his PF&R on September 8, 2023. Magistrate Judge Aboulhosn recommended that the Court dismiss Mr. Massey’s Section 2241 Petition and remove this matter from the docket.

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*” (emphasis added)). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner’s right to appeal the Court’s order. *See* 28 U.S.C. § 636(b)(1); *see also United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (Parties may not typically “appeal a magistrate judge’s findings that were not objected to below, as § 636(b) doesn’t require de novo review absent

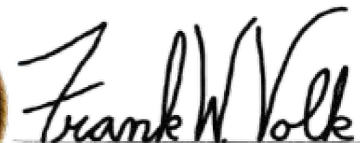
objection.”); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on September 25, 2022. No objections were filed.¹

Accordingly, the Court **ADOPTS** the PF&R [**Doc. 12**] and **DISMISSES** Mr. Massey’s Section 2241 Petition for Writ of Habeas Corpus [**Doc. 1**].

The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party.

ENTER: October 10, 2023




Frank W. Volk
United States District Judge

¹On September 8, 2023, a copy of the PF&R was mailed to Mr. Massey at FCI Beckley but was returned as undeliverable on September 18, 2023. [Doc. 13]. At this writing, the Bureau of Prisons’ Inmate Locator indicates Mr. Massey was released from custody on February 22, 2023. Inasmuch as Mr. Massey has failed to keep the Court apprised of his current address as required by *Local Rule of Civil Procedure* 83.5, this matter is ripe for adjudication.